

## BISHOP SEES LIQUOR AS TEST OF NATION

Anti-Saloon League Chief Says Trial Will Shake Democracy.

### ADmits SEVERE JOLT

Nicholson Thinks Election No Real Barometer of Sentiment.

### VARIOUS FACTORS ENTER

Wet Force Declared to Be Trying to Undermine the Constitution.

The heavy Democratic vote last Tuesday in States in which liquor was made an issue was not a real referendum on the prohibition question, Bishop Thomas Nicholson, president of the Anti-Saloon League, declared today. He said the election was too complicated by other issues, and too complex to permit expression of a final judgment.

"I predict," he said, "that before we get through with it the prohibition question will test the foundation of our democracy and will be as prominent in deciding whether it is possible to have an efficient democracy as, from another point of view, the civil war."

"Prohibition is here to stay," was another declaration, "and we are here 'untill death do us part,' to help make it stay."

**Sees Illinois Result.**  
The so-called referendum vote on prohibition in Illinois, Bishop Nicholson said, has little or no significance. "The Anti-Saloon League and the churches distinctly and actively urged their people not to vote at all on the issue," he added. "I honestly believe that to do so under conditions in Illinois was really to be false to the Constitution and the law of the land. The referendum could have no legal weight of any sort and to the drys it appears as encouraging the people to endorse disloyalty to the Constitution. I, myself, did not vote on the issue and I am sure that probably 90 per cent. of the church and temperance people utterly ignore it."

"The issue was complicated with many other issues. In Michigan the result on the Senate bill was determined by the Newberry issue. In other sections the soldiers' bonus bill figured largely; in others, the Daugherty injunction. In few, if any, places was there a straight issue on the prohibition question."

"Nevertheless, on the face of the returns, it seems to be a fact that the effort of the wets to nullify our laws and to begin the progress of breaking down the Constitution of the United States has had no inconsiderable effect. They have boasted that they had more than thirty organizations, most of them well financed, in organized effort for this purpose. To my mind, the question now raised is distinctly larger than the question of whether we shall have beer and high wines. It is a question of whether Democracy can make good."

**Sees All Laws Menaced.**  
"If heavily financed and self-organized groups are prepared to defeat the will of the people, and if their chief argument is, as it has been, that they would see that the thing could never be enforced, the result is a serious one for our democratic institutions. People are immediately encouraged to keep up a perpetual fight against any law which does not please them."

The Bishop said that if beer was to come back, "it would mean the return of the brewery and the saloon and all of the corrupting influences of the liquor traffic in politics."

"When they tell you," he added, "that this law cannot be enforced, but some other regulations can be, we ask, when have been a great actor, 'Delectable,' in the Bookman's judgment. To all of which Maurice Francis Egan, also in the Bookman adds outspoken praise for 'THE CHAIN,' the fragment novel of New York of the nineties by Charles Hanson Towne. Says Egan: 'This is one of the few modern novels that a discriminating person may read twice, with pleasure.'"

**Dr. Traprock's MY NORTHERN EXPOSURE** is every bit as funny as The Cruise of the Kawa. Than which no more need be said.

**WHERE THE SUN SWINGS NORTH** by Barrett Willoughby is Alaska itself in the medium of throbbing romance.

Because a chap wears a coonskin overcoat and a mutilated felt hat and has a wealthy father and happens to be a Yale student doesn't mean that he hasn't some creditable ambitions. Everett Gail had—and he wasn't afraid to chuck the glitter for a try at the real thing. We are sure you will get many a thrill and a lot of enjoyment from Arthur Tucker's novel of youth.

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## CATERERS TO MAKE MENUS 100 PER CENT. AMERICAN

No More 'Au Gratin'—Just 'With Cheese'—Tired of Deception, National Organization of 25,000 Will Demand 'Kick' in Sauces and Ale for Rabbits.

Special Dispatch to THE NEW YORK HERALD.

CHICAGO, Nov. 9.—One hundred per cent. Americanism, as far as menus are concerned, and a bit more than 1/2 of 1 per cent. of alcohol for mince pies, Welsh rabbits and wine sauces.

These are the two main planks in the program of the American Caterers Association, for the attainment of which a battle waged merrily to-day in the second annual convention of the organization at the Congress Hotel. The caterers are tired of deception, according to Jacob Miller of Chicago, honorary life president of the organization.

"The phrase 'with cheese' is just as smooth sounding as 'au gratin,'" said Mr. Miller, "and it means just as much, it is not a whole lot more to the American public. Consequently we are carrying on the battle to print every word of menus in American."

"Another form of deception we object to is the practice of putting salt, pepper

and other condiments into the delectable shrimps and clarets which go into sauces to-day. The condiments give the impression of the same kick as before prohibition, but most caterers don't like the substitution. And what is a Welsh rabbit without a little ale? It does not taste right. There never was enough ale in a Welsh rabbit to intoxicate anybody. We want some provision made for adding the kick to the dishes which rightfully should have it."

The convention is expected to go on record as endorsing a light wine and beer program, according to Mr. Miller. The association represents approximately 50,000 caterers and hotel men.

Another feature of the convention is the preparation of a petition to the Legislature to "loosen up" on the same laws or to permit importation of foreign game, with the provision that when it appears on the table it shall be labeled so that the diner knows what he is getting.

## WET VOTE GROWTH ASSURES PROHIBITION ISSUES IN 1924

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point of his organization, is the change that will be made in other phases of House control. The passing of Mondell leaves the majority leadership on the side of the Anti-Saloon League, and (Ill.), both re-elected and both having been endorsed by the association.

These are among the indirect changes brought about in favor of liberal legislation by the election results, in addition to the obvious increase in the wet strength through election of many new liberal candidates," said Mr. Hinchey. "The capture of the chairmanship of the Judiciary Committee is an especially gratifying victory under the circumstances, in that the Apostle of antiprohibition measures was overthrown."

**Liberal Leader in House.**

"The fact that the House leadership will be in the hands of a liberal member is also a factor of utmost significance and one expected to influence materially the vote on future liberal legislation."

On all prohibition legislation to date a large number of House members withheld their votes on important occasions. When the Volstead act was passed over Wilson's veto, October 27, 1919, the vote was 175 for, 55 against and 193 not voting. It is safe to say many not voting then were overruled by the power of the organized drys as against the political weakness of the unorganized wets.

"The result of the elections Tuesday has reversed this situation and doubtless will have its effect in reversing the position of inert members who have hitherto refrained from voting, but will now be encouraged to take a positive stand in agreement with their inherent convictions in support of modification of the present drastic prohibition laws. It is in this way also that the coming majority leadership in the House will work in our behalf by influencing the inert vote of the majority membership. The wets of the minority are already largely in the open and will continue their support."

The association to-day denied the

statement attributed to Wayne B. Wheeler to the effect that Pomeroy's defeat in Ohio was due to his wet leanings. Advice from its Ohio representatives, officers of the association said, are that Warren S. Stone of the Brotherhood of Locomotive Engineers flooded the State with more than 100,000 letters asking railroad men to knife Pomeroy on account of his record on railroad sort of in favor of liberal legislation which turned the scale against him.

### WETS PLAN 1924 DRIVE; THREATEN THIRD PARTY

Anti-Dry Convention Called for November 20 at St. Louis.

BALTIMORE, Nov. 9.—In announcing a meeting at St. Louis November 20 of all State chiefs of the National Association Against Prohibition President William H. Stoyton of the organization declared to-day that unless "wet" planks are in the national platform of both the Republican and Democratic parties in 1924 the "wets" of the country, through the organization, will present independent candidates for Congress.

The State heads will consider plans for the next national campaign at the St. Louis meeting. The organization, Mr. Stoyton said, will participate as actively in politics as does the Anti-Saloon League.

The association claims a membership of more than 400,000, extending to nearly every State.

The St. Louis meeting, Mr. Stoyton said, will make arrangements "so that in 1924 we shall run an independent 'wet' candidate in every Congressional district in the United States unless one or the other of the great political parties is running a man on a 'wet' platform in the district."

Mr. Stoyton "hoped and believed" the two major parties would "respond to the people's" wishes as shown on Tuesday and "give the people the relief they demand." But if, he added, "both of the great parties fail to adopt liberal planks we shall be forced to become substantially a third party."

## POLICEMAN IN FIGHT KILLS BOOTLEGGER

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men O'Connor rushed at Smith and Burke. Both jumped from the car and ran, and the policeman pointed his pistol at Faust, not knowing then that Faust had been kidnapped.

By the time Faust had explained the other men were gone. Smith shed his overcoat by the time he got out of the machine, and before he began to run he threw away his other coat. A crowd by this time was milling and pushing and shrieking, but they had seen the men in the automobile shooting and they made a way for Burke and Smith.

No one seems to know what became of Burke, but Smith, a conspicuous figure because of his shirt sleeves, ran to Fourth avenue and then down to Ninth street, and back to Fourth avenue again with the crowd after him.

**Woman Assists in Capture.**  
About this time Charles Melnick of 1288 Prospect avenue, the Bronx, was driving a woman passenger home in his taxicab from Wanamakers. The woman tapped on the window of the taxi and called to Melnick:

"Get that man!"

Melnick drove after Smith, a crowd following in the chase. Smith managed to distance those of his pursuers who were on foot, but Melnick kept him in sight and saw him go into a Chinese laundry near Second avenue. Melnick told Patrolman McNamara, who captured Smith as he was bargaining with the Chinese proprietor for a second hand coat.

On the floor of the bootleggers' automobile the police found an automatic pistol, and in the pockets of the wounded man were fifty cartridges wrapped in a handkerchief. In Smith's pocket was a pistol, which he said Burke had given to him. Smith told the police that he and Michaels had stolen the automobile in Cleveland, and that in Springfield, Mass., last week they stole a Massachusetts license plate. The number of this plate is 192-193.

Michaels, unconcerned, was sent to Bellevue Hospital, where he died at 11:30 P. M.

### SENATORIAL RECOUNT ASSURED IN BAY STATE

Republican Leaders Expect Gains for Lodge.

BOSTON, Nov. 9.—A Statewide recount of the vote cast Tuesday for United States Senator was assured to-day. Col. William A. Gaston, the Democratic candidate, who was apparently defeated by 8,425 votes by Senator Henry Cabot Lodge, Republican, to-day undertook to put recount petitions in every city and town. The Republican State Committee took similar action to assure representation in the recount proceedings, and to-night had filed petitions in more places than the Democratic Republicans. Leaders said they felt Senator Lodge would gain votes in a recount.

## EVELYN NESBIT THAW FACES JAIL SENTENCE

Held in Contempt of Court at Atlantic City.

ATLANTIC CITY, Nov. 9.—Evelyn Nesbit Thaw faces a jail sentence as a result of her failure to answer a summons issued by Vice Chancellor Robert H. Ingersoll on complaint of Henri Martin, cafe proprietor here. She was held in contempt of court to-day. The case was put over until next week, Vice Chancellor Ingersoll declaring that all that remained was to set the degree of contempt for which to punish her. Martin alleges that she violated a contract to appear at his cabaret as an entertainer and was acting as hostess in the Palais Royal, a rival establishment, some weeks ago.

The defendant testified in court to-day that she was a copartner with Max Williams, owner of the Palais Royal, and went there only as a guest. Vice Chancellor Ingersoll ruled that the testimony in no way justified the defendant for her failure to answer his summons.

**Harkness Replies.**

LeRoy T. Harkness, Transit Commissioner, said in answer to the Mayor's report on the Brooklyn crostown line:

"With regard to the detailed objections, such as crossing over or under the Steinway and Pennsylvania tubes and the use of this or that specific street, there is nothing in those points that should not readily yield to sensible, businesslike discussion between the engineers of the Board of Estimate and the engineers of the Transit Commission. If the Board of Estimate or the Mayor de-

## CITY TO BAR PLANS OF TRANSIT BOARD

Craig Says 'Let's Wait for New Legislature to Restore Power.'

### SUBWAYS ARE REFUSED

Washington Heights and Staten Island Projects Doomed.

### HARKNESS RENEWS PLEA

Suggests Get Together With Board of Estimate on Cross-town Route.

The Board of Estimate will have nothing further to do with the State Transit Commission as now constituted or its plans for an enlarged rapid transit system.

In moving the rejection of the commission's Washington Heights and Staten Island plans, Comptroller Craig voiced the unanimous sentiment of the board yesterday when he said:

"The Transit Commission is now on the skirts and its plans are inadequate. Let's reject them and take no further action until after the first of the year, by which time the Legislature will doubtless restore to the city complete power over its own transportation problems."

Action on the third plan submitted by the commission for a Brooklyn crostown route was deferred until to-day, at the request of William G. Fullen counsel to the commission.

The Washington Heights extension as proposed by the commission was to cost \$20,000,000. The existing R. R. T. Broadway, Manhattan, subway was to be extended up Central Park west and Seventh avenue to 155th street, then through St. Nicholas avenue to Broadway and 165th street, where it would connect with the present I. R. T. West Side line.

### Plans Rejected.

The commission's Staten Island plan called for a tunnel under The Narrows from Ninety-sixth street, Brooklyn, to Pennsylvania avenue, Rosebank, Staten Island. The Brooklyn crostown route was to connect Brooklyn and Queens directly.

A special meeting of the Board of Estimate was held to consider these plans. A delegation representing the Washington Heights Taxpayers' Association attacked the commission's St. Nicholas avenue extension because, it was said, it did not give the Heights a "square deal."

The board was unanimous in voting it down, and the \$25,000,000 Staten Island tunnel was rejected with even less consideration.

Mayor Hylan read a long report, in which he criticized the plans and characterized them as defective. In regard to the Brooklyn-Queens crostown route, he said:

"The commission's plan and the city's plan for the proposed Brooklyn crostown subway differ in fundamentals as well as in vital details. Under the commission's plan the proposed crostown subway and its branches would be linked up with privately operated B. R. T. lines. Under the city's plans the crostown subway and its branches would be linked up with proposed city owned and city operated subways."

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## High Rent Drives Rector From Brooklyn Church

THE Rev. Dr. Charles C. Kelsey, rector of the Episcopal Church of the Atonement, Seventeenth street near Fifth avenue, Brooklyn, for three years, announced yesterday that he had tendered his resignation, to take effect immediately. He said he expected to leave Brooklyn for a pastorate in some city in which the housing conditions would be more commensurate with his income.

Under the Mayor's plan he proposes to build the crostown subway only to Eastern Parkway during the first five year period. There he dead-end it and waits for the second, or ten year, period to extend it to Sheepshead Bay. So that there would be a lapse of five years or more after completion to Eastern Parkway before the extension to Sheepshead Bay could be ready for operation. Why, at the very least—since the Brighton Beach connection can be provided at a relatively small cost—should not Brooklyn have all the advantages that would go with it during these five years or more of half-way or incomplete operation?

The revised figures also gave Gardner J. Chamberlain, Republican, the Assembly seat from the Second Montauk district. But in Columbia county Robert Livingston, Democrat, was declared to have beaten Roscoe C. Waterbury, Republican.

**Eighty Seats Certain.**  
The Republicans appeared to be certain of at least eighty seats in the Assembly. They may have eighty-two, allowing two or three of the contests to go against them the Republicans declared they would have at least four more than the seventy-six majority required.

The Democrats refused to concede the election of George N. Jesse in the Twenty-third district, who was reported elected by 224 votes. A recount may also be demanded in Greene and Schoharie counties and in one district each in Albany, Troy, Syracuse and Buffalo.

Senator James J. Walker will be the majority leader of the Senate. The Republicans are said to be considering a protest against the election of Clayton R. Lusk for minority leader.

With such a little margin for a working basis the few Republican Assemblymen from the cities will be able to form a city bloc to control the balance of power. A set of five Republicans in the lower house will be able to swing the balance of power.

**INSTITUTE TO CELEBRATE.**  
H. D. Baldwin Will Preside at the Cooper Union Meeting.

The twenty-fifth anniversary of the founding of the People's Institute will be celebrated to-night with a mass meeting in Cooper Union, over which Henry De Forest Baldwin, chairman of the board of trustees, will preside. Attendance during the life of the institute is estimated at 2,500,000.

The speakers will be Dr. Sidney Messers, president of the College of the City of New York; Glen Frank, editor of the Century Magazine; Dr. John Finley and others.

## SMITH TO ABOLISH CONTROL OF TRANSIT

Continued from First Page.

like Putnam with 11,000 population to have one Assemblyman, which is all his own district, with 96,000, has.

The basis for apportionment should be citizen population not county lines. Mr. Smith has often stated. He would divide the number of citizens by 150, the number of Assemblymen, and block off the State into districts each with its 65,000. That would give this city much larger representation. It would give the cities control at all times and would rob the rural district of the majority of power. Such a change would require constitutional amendment and take three years at least to pass.

For a time yesterday it looked as if the Democrats had a chance of winning control of the Assembly. Half a dozen contests were entered where the Democrats claimed they had won. The canvass gave Assemblyman McWhinney, Republican, in Nassau his seat by thirty-three votes. In the Sixth Assembly district there was a deadlock following the counting of nine ballots in the Seventeenth Election district. After the police had interfered and a recount was had, the Democrats won. The canvass gave Assemblyman McWhinney, Republican, in Nassau his seat by thirty-three votes. In the Sixth Assembly district there was a deadlock following the counting of nine ballots in the Seventeenth Election district. After the police had interfered and a recount was had, the Democrats won.

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